

Yeas—11.

Beall.	Harrison.
Bowser.	Lawhon.
Darwin.	Sherrill.
Dibrell.	Simpson.
Goss.	Tips.
Greer.	

Nays—10.

Agnew.	McKinney.
Boren.	Presler.
Colquitt.	Stafford.
Dickson.	Steele.
Gage.	Woods.

Absent, excused.

Atlee.	Smith.
Rogers.	Whitaker.

Absent, not excused.

Bailey.	McComb.
Dean.	Shelburne.
Lewis.	

Senator Goss called up

Senate bill No. 77, a bill entitled "An act to amend sections 4, 5, 6 and 16 of an act entitled 'An act to regulate the practice of pharmacy in the State of Texas and providing a penalty for the enforcement of the same,' approved April 6th, 1889,

And withdrew his motion to reconsider the same.

The Chair laid before the Senate,

House bill No. 412, a bill entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State."

Bill read second time, with committee amendments.

Committee amendments adopted.

Senator Beall moved to reconsider the vote by which the committee amendments were adopted.

On the question to reconsider there was no quorum voting, the following answering to their names:

Yeas—9.

Beall.	Harrison.
Boren.	Sherrill.
Darwin.	Stafford.
Dibrell.	Woods.
Dickson.	

Nays—10.

Agnew.	McKinney.
Colquitt.	Presler.
Goss.	Simpson.
Greer.	Steele.
Lawhon.	Tips.

Absent, excused.

Atlee.	Smith.
Rogers.	Whitaker.

Absent, not excused.

Bailey.	Lewis.
Bowser.	McComb.
Dean.	Shelburne.

Present, excused.

Gage,

Senator Gage asked to be excused from voting on account of a personal and private interest in the bill.

On motion of Senator Simpson, the Senate adjourned till tomorrow morning at 10 o'clock.

SEVENTIETH DAY.

Senate Chamber,

Austin, Texas, April 3, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Atlee.	Lewis.
Bailey.	McComb.
Beall.	McKinney.
Bowser.	Presler.
Colquitt.	Shelburne.
Darwin.	Sherrill.
Dean.	Simpson.
Dibrell.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Woods.
Harrison.	

Absent, excused.

Boren.	Rogers.
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Absent, not excused.

Whitaker,

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison, the same was suspended.

On motion of Senator Boren, Senator Dickson was excused for nonattendance on Tuesday on account of sickness in his family.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 2, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 629, being a bill to be entitled "An act to amend chapter 73 of the acts of the Twenty-first Legislature of Texas, approved April 6, 1889, to

amend an act of the Twenty-second Legislature, chapter 30, approved April 6, 1891, entitled 'An act to require butchers and slaughterers of cattle to give bond, and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling cattle,' as amended by the Twenty-third Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with amendment.

Amend section 1 by striking out the words "39 of the acts of the Twenty-third Legislature, approved March 24, 1893," and insert in lieu thereof the following: "75 of the acts of the Twenty-first Legislature of Texas, approved April 6, 1889."

LAWHON, Chairman.

Committee Room,
Austin, Texas, April 2, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Irrigation and Mining, to whom was referred

Senate bill No. 254, being a bill to be entitled "An act to authorize incorporated cities and towns to control ditches constructed by them for purpose of supplying the inhabitants thereof with water, and to punish interference therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GAGE, Chairman.

Committee Room,
Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 146, being a bill to be entitled "An act to amend articles 480, 481, 482, 483, 485, 488, 496, 497 and 498, and to repeal article 486, of title 7, chapter 4, of the Code of Criminal Procedure of the State of Texas concerning witnesses and the manner of enforcing their attendance in criminal cases,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred

House bill No. 565, being a bill to be entitled "An act to amend the charter of the city of Galveston by amending sections 3, 5, 18, 18a, 19, 21, 29, 78a, 43, 127, 128 and 129 thereof and by adding thereto section 132c,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Insert section 132c between sections 113 and 127, to read as follows, to-wit:

"Section 132c. The city shall have power to issue bonds to the amount of one million two hundred and forty thousand dollars, of the denomination of one hundred dollars or any multiple thereof, payable forty years after date of their issue, and bearing interest payable semi-annually at a rate not exceeding five per cent per annum; said bonds to be sold for cash, at not less than par, and the proceeds thereof to be used and expended as follows:

"Two hundred thousand dollars shall be used in defraying the city's portion of the cost of filling, grading and paving its streets, as elsewhere provided in this charter; provided, that not more than one hundred thousand dollars shall be expended on such work by the city in any one year from this fund, or from the proceeds of the issue of bonds authorized by this section.

"Forty thousand dollars shall be used and expended for filling streets, and such property as the city may own, and which the city council may designate to be filled or raised, the expenditure out of this fund not to exceed in any one year twenty thousand dollars.

"Fifty thousand dollars shall be employed and expended in the erection of public school houses in said city, under the direction and upon the requisition of its board of school trustees; and the interest and the sinking fund necessary to meet the fifty thousand dollars of the bonds so appropriated shall be provided for as is by this section provided for the other bonds herein authorized to be issued, and the city council are hereby authorized to amend the budget for the year 1895 to conform herewith.

"Fifty thousand dollars shall be and constitute a special fund to be used and expended by the city council in abating nuisances on private property and for filling, grading and paving or otherwise improving alleys and sidewalks in said city, in all cases where the parties chargeable with the abatement of such nuisance or with such filling, grading and paving or other improvements shall fail or refuse to abate the one or perform the other; and any expenditure from

this fund shall be a lien and recoverable by assessment on the property in respect of and concerning which they shall be made; and when so recovered they shall be and remain a portion of such special fund.

"Nine hundred thousand dollars shall be employed and expended by the city council for and in and procurement of an adequate supply of fresh water for said city, and in and for the erection of an efficient system of sewerage and drainage, including crematories for garbage if found desirable, and for the city's share of cost of filling, grading, and paving its streets, under the following provisions: The city council shall, on or before January 1, 1892, apportion said nine hundred thousand dollars as follows: 'First. So much of said sum as to said council may appear necessary shall be set aside for the procurement of said water supply, to be owned by the city or furnished under contracts that may be entered into by the city with responsible parties.

"Second. So much of the remainder of said sum, if any, as to the council may appear necessary, shall be set aside for sewerage and drainage purposes aforesaid; and

"Third. The residue, if any, after a water supply and system of sewerage and drainage shall have been provided for as above contemplated, shall be set aside to defray the city's share of the cost of filling, grading and paving its streets.

"When the special fund of two hundred thousand dollars aforesaid shall have been expended, a fund shall be provided to pay the interest and create a sinking fund to redeem said bonds, which fund shall not be diverted or drawn upon for any other purpose, and the city treasurer shall honor no drafts on said fund except to pay the interest upon or to redeem the bonds for which it was provided. Said bonds shall be signed by the mayor and countersigned by the city clerk, and shall be payable at such place as may be fixed by ordinance of the city council. It shall be the duty of the mayor, when such bonds are issued, to forward the same to the Comptroller of State, whose duty it shall be to register them in a book kept for that purpose, and to endorse on each bond registered his certificate of registration. The indebtedness provided for in this section shall not be limited or governed by the provisions or limitations contained in sections 28, 132, 132a or 132b of this charter."

Amend caption by inserting "132c" between the figures "113" and "127."

BOWSER, Chairman.

Committee Room,
Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 277, being a bill to be entitled "An act to make illegal mortgages and other liens on unmatured agricultural products,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 287, being a bill to be entitled "An act to require corporations, persons, or associations of persons, that issue time checks or other evidences of indebtedness for labor performed, to make the same payable in coin or legal tender currency, and to prescribe a penalty for a violation thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 294, being a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county court of Bandera county, to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, April 2, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 177, being "An act to amend article 391, title 12, of the Penal Code, relating to the leaving of dead animals in public roads, etc.,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, April 2, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 210, being "An act for the better protection of the public buildings of the State of Texas,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 238, being "An act making appropriations for registered and estimated deficiencies in the appropriations for the State government from March 1, 1893, to February 28, 1895,"

And find the same correctly engrossed.

BAILEY, Chairman.

Call concluded.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

House bill No. 641, "An act to require the clerks of the several district courts to send to the Comptroller's office a certified itemized statement under seal of such court of all accounts against the State allowed and approved by the judge of such district court for each term of said court, and to prohibit the Comptroller from auditing or issuing warrants for any accounts allowed by any district judge till the certified statement of the district clerk of the court by whom such account was allowed and approved shall be filed in the office of the Comptroller, and to repeal all laws and parts of laws in conflict with this act."

Passed by a two-thirds vote—ayes 97, nays 1.

House bill No. 358, "An act to amend chapter 111 of the General Laws of the Eighteenth Legislature of the State of Texas, approved the 14th day of April, 1883, and entitled "An act authorizing the refunding from the State treasury from deposits made to special funds to parties who may have paid the same in error, and who may have received no consideration therefor."

Also, that the following members have been appointed on part of the House to comply with the provisions of House

concurrent resolution No. 26, concerning the propriety of having the Land Office in the capitol building: Messrs. Brown, Ritter, and Graham.

Respectfully,

CHESTER HAILE, Chief Clerk.

On motion of Senator Woods, regular order of business was suspended to take up

Senate bill No. 253, a bill entitled "An act to amend articles 3227 and 3228 of the Revised Civil Statutes of the State of Texas, as amended by an act of the Twenty-third Legislature of the State of Texas, approved March 29, A. D. 1893, relating to local option," by the following vote:

Yeas—21.

Agnew,	Greer,
Atlee.	Harrison,
Beall,	Lawhon,
Boren,	McComb,
Bowser,	Presler,
Colquitt,	Sherrill,
Darwin,	Smith,
Dean,	Stafford,
Dickson,	Steele,
Gage,	Woods.
Goss,	

Nays—6.

Bailey,	Shelburne,
Dibrell,	Simpson,
Lewis,	Tips.

Absent, excused.

Rogers, Whitaker.

Absent, not excused.

McKinney.

Bill read (by caption) second time.

At the request of Senator Smith the bill was read in full.

By Senator Woods:

Amend article 3228 by inserting after the word "dealer," in line 11 of said article, "who had paid the occupation tax, and given bond as provided by law to regulate the sale of spirituous, vinous or malt liquors, or medicated bitters, etc."

Adopted by the following vote:

Yeas—14.

Bailey,	Harrison,
Boren,	McKinney,
Bowser,	Presler,
Colquitt,	Sherrill,
Darwin,	Stafford,
Dickson,	Steele,
Gage,	Woods.

Nays—12.

Agnew,	Goss,
Beall,	Greer,
Dean,	Lawhon,
Dibrell,	Lewis,

Shelburne, Smith.
Simpson, Tips.
Present, not voting.
Atlee, Absent, excused.
Rogers, Whitaker.
Absent, not excused.
McComb.

(Senator Atlee in the chair.)

By Senator Smith:

Amend article 3227, page 2, by adding to said article the following: "Provided, no city or town shall be divided in making any subdivision."

Adopted.

By Senator Dibrell:

Amend by adding to article 3227, the following: "Provided further, that if the justice precinct or subdivision of such county embraced within its limits an incorporated town or city, that such election shall only be ordered when the petition for the same is signed by qualified voters of such town or city, not less in number than one seventy-fifth of the population of such incorporated town or city to be so affected, to be determined by the United States census report last taken before such proposition is to be submitted."

By Senator Shelburne:

Amend the amendment by striking out "one seventy-fifth," and inserting in lieu thereof "one-tenth of the vote as cast for mayor at the last preceding election."

By Senator Colquitt:

Substitute the amendment and amendment to the amendment as follows:

Amend by adding to article 3227 the following: "Provided, that no election under this article shall be ordered for any precinct in which an incorporated city or town may be situated, unless the petition for such election is signed by a number of voters equal to one-third of the voters in said incorporated city or town as shown by the last preceding municipal election."

Adopted by the following vote:

Yeas—16.

Agnew, Dickson,
Atlee, Greer,
Bailey, Lawhon,
Boren, Lewis,
Colquitt, Shelburne,
Darwin, Simpson,
Dean, Smith,
Dibrell, Tips,

Nays—9.

Beall, Sherrill,
Gage, Stafford,
Goss, Steele,
Harrison, Woods,
Presler,

Absent, excused.
Rogers, Whitaker.
Absent, not excused.
Bowser, McKinney,
McComb,

The amendment as substituted was adopted.

By Senator Bailey:

Amend line 30, page 1, by striking out "250" and inserting "one-third of the voters."

Lost by the following vote:

Yeas—8.

Bailey, Lewis,
Dean, Shelburne,
Dibrell, Simpson,
Greer, Tips.

Nays—17.

Agnew, Harrison,
Atlee, Lawhon,
Beall, Presler,
Boren, Sherrill,
Colquitt, Smith,
Darwin, Stafford,
Dickson, Steele,
Gage, Woods,
Goss,

Absent, excused.

Rogers, Whitaker.

Absent, not excused.

Bowser, McKinney,
McComb,

By Senator Lewis:

Amend article 3227, by adding after the word "precinct," in the third line of the amendment adopted on motion by the Senator from Kaufman the following: "or subdivision of a county or precinct."

Adopted by the following vote:

Yeas—19.

Agnew, Presler,
Atlee, Shelburne,
Bailey, Sherrill,
Beall, Simpson,
Colquitt, Smith,
Dibrell, Stafford,
Goss, Steele,
Greer, Tips,
Lawhon, Woods,
Lewis,

Nays—6.

Boren, Dickson,
Darwin, Gage,
Dean, Harrison.

Absent, excused.

Rogers, Whitaker.

Absent, not excused.

Bowser, McKinney,
McComb,

By Senator Lawhon:

Amend article 3227 by striking out of line 21, page 1, the words "whenever they deem it expedient."

Adopted.

Senator Sherrill entered a motion to reconsider the vote by which the amendment (Senator Lawhon's) was adopted.

Senator Dean called up the motion to reconsider, and moved to table it.

The Senate refused to table by the following vote:

Yeas—11.

Agnew,	Lewis,
Atlee,	Shelburne,
Dean,	Simpson,
Dibrell,	Smith,
Greer,	Tips.
Lawhon,	

Nays—13.

Bailey,	Goss.
Beall,	Harrison,
Boren,	Presler.
Colquitt,	Sherrill,
Darwin,	Steele,
Dickson,	Woods.
Gage,	

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

Bowser.	McKinney,
McComb,	Stafford.

Pending action on the motion to reconsider,

Senator Lewis moved a call of the Senate, which was duly seconded and ordered, the following answering to their names:

Agnew,	Harrison,
Atlee,	Lawhon,
Bailey,	Lewis,
Beall,	McComb,
Boren,	Presler.
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Steele,
Gage,	Tips.
Greer,	Woods.

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

Bowser,	McKinney,
Goss,	Stafford.

Senator Beall moved to excuse the absentees.

Excused by the following vote:

Yeas—16.

Agnew,	Beall,
Atlee,	Boren.
Bailey,	Colquitt,

Darwin,
Dickson,
Gage.
Harrison,
McComb,

Presler.
Sherrill.
Smith,
Steele.
Woods.

Nays—8.

Dean.	Lewis.
Dibrell,	Shelburne,
Greer,	Simpson,
Lawhon,	Tips.

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

Bowser,	McKinney,
Goss,	Stafford.

The motion to reconsider then prevailed by the following vote:

Yeas—12.

Bailey,	Harrison,
Beall,	Presler,
Boren,	Sherrill,
Darwin,	Stafford,
Dickson,	Steele,
Gage,	Woods.

Nays—10.

Agnew.	Lewis,
Colquitt,	Shelburne,
Dibrell,	Simpson,
Greer,	Smith,
Lawhon,	Tips.

Not voting (in chair).

Atlee.

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

Bowser,	McComb,
Dean,	McKinney.
Goss,	

The amendment (Senator Lawhon's) was then re-adopted by the following vote:

Yeas—14.

Agnew,	Shelburne,
Atlee.	Sherrill,
Colquitt,	Simpson,
Dibrell,	Smith,
Greer,	Stafford,
Lawhon,	Tips,
Lewis,	Woods.

Nays—10.

Bailey,	Gage,
Beall,	Goss,
Boren.	Harrison,
Darwin,	Presler,
Dickson,	Steele.

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

Bowser.	McComb,
Dean,	McKinney.

By Senator Bailey:

Amend line 30, page 1, by striking out "250 voters" and insert "one-sixth of the votes of said county, as cast for Governor, as shown at the last preceding general election."

Adopted by the following vote:

Yeas—13.

Agnew,	Lewis,
Atlee,	Shelburne,
Bailey,	Sherrill,
Colquitt,	Simpson,
Dean,	Tips,
Dibrell,	Woods.
Greer,	

Nays—12.

Beall,	Harrison,
Boren,	Lawhon,
Darwin,	McKinney,
Dickson,	Presler,
Gage,	Smith,
Goss,	Steele,

Absent, excused.

Rogers, Whitaker.

Absent, not excused.

Bowser, Stafford.
McComb,

By Senator Smith:

Amend section 1 by adding to article 3227 the following: "Provided further, that where an election has been held for any subdivision of a county, then the commissioners court shall not order an election to be held in such portion of the county for two years thereafter, nor shall the voters thereof participate in any subsequent election that may thereafter be held in said county during the period of two years next after the election was held in such subdivision."

Pending action,

Senator Greer offered the following:

Whereas, The enrolling department is now overcrowded with work, and there are several bills of great length soon coming into said office: therefore be it

Resolved by the Senate, That Committee Clerk R. E. Dodson be transferred to said enrolling department.

Adopted.

IN SENATE.

Committee substitute for House concurrent resolution No. 22, "authorizing and instructing the State Board of Public Printing to dispose of the property comprising what is known as the State printing office."

Read first time and referred to Committee on Public Printing.

Substitute House bill No. 556, "An act to provide for levying a tax on the occupation of selling or offering for sale the

"Sunday Sun," the "Kansas City Sunday Sun," or other publications of like character, whether illustrated or not."

Read first time and referred to Judiciary Committee No. 2.

House bill No. 579, "An act to restore and confer upon the county court of Camp county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general laws of the State, and to conform the jurisdiction of the district court of said county to said changes, and to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 641, being "An act to require the clerks of the several district courts to send to the Comptroller's office a certified itemized statement under seal of said court of all accounts against the State allowed and approved by the judge of such district court for each term of said court, and to prohibit the Comptroller from auditing or issuing warrants for any accounts allowed by any district judge till the certified statement of the district clerk of the court by whom such account was allowed and approved shall be filed in the office of the Comptroller, and to repeal all laws and parts of laws in conflict with this act."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 358, being "An act to amend chapter 111 of the General Laws of the Eighteenth Legislature of the State of Texas, approved the 14th day of April, 1883, and entitled 'An act authorizing the refunding from the State treasury from deposits made to special funds to parties who may have paid the same in error, and who may have received no consideration therefor.'"

Read first time and referred to Committee on Finance.

The Chair gave notice of signing, and did sign after the captions had been read.

House bill No. 316, being a bill to be entitled "An act to fix the rate of taxation on express companies: to provide the time and manner of collecting such tax, and provide penalties for violation of this act, and repealing all laws in conflict herewith."

House bill No. 608, being a bill to be entitled "An act to amend sections 4, 8, 10, 11, 24, 25, 28, 30, 36, 48, 49, 50, 58 and 59 of an act entitled 'An act to incorporate the city of Houston, and grant a new charter to said city of Houston.'"

Senator Presler sent up the following free conference committee report:

Committee Room,
Austin, Texas, April 1, 1895.

Hon. Geo. T. Jester, President of the Senate, and Hon. T. S. Smith, Speaker of the House of Representatives:

Your conference committee to whom was referred the differences between the two Houses on substitute House bills Nos. 26 and 102, beg leave to report that we have had the same under consideration, and respectfully recommend:

First. That the Senate recede from the first Senate amendment, and that section 11 of the bill be changed so as to read as follows:

"Sec. 11. In trials of all contests of election the evidence shall be confined to the issues made by the statement and reply thereto, which statement and reply may be amended as in civil cases; and as to the admission and exclusion of evidence the trial shall be conducted under the rules governing proceedings in civil causes."

Second. That the Senate recede from its third amendment, and that in lieu thereof a new section be added to the bill after section 22, the numbers of the other sections to be conformed to this change.

"Section —. Where the contest shall have been decided against one of the parties and the other party shall have filed a bond and performed the duties of the office under the provisions of this act, the bond so filed shall enure to the benefit of the successful party in any suit thereon in a court having jurisdiction of the amount in controversy, and the measure of damages recoverable, besides costs of suit, shall be the salary, fees and emoluments of office of which he has been deprived, less such reasonable expenses as the party holding the office shall have incurred in executing the duties of the office; provided, that he shall have acted in good faith in receiving the certificate of election or commission for the office."

Third. That the House concur in the second, fourth, fifth, sixth, seventh, eighth and ninth Senate amendments.

Fourth. That section 20 be amended as follows: Strike out the word "other" in the third line, and strike out the clause "and in the Supreme Court."

Fifth. That section 22 be amended as follows: Strike out the word "other" where it occurs.

Sixth. That section 30 be amended as follows: Strike out the last clause to-

wit, "taken to the court of Civil Appeals or to the Supreme Court."

ATLEE,
BEALL,
PRESLER,
AGNEW,
STAFFORD,

Committee on part of Senate.

BLAIR,
MARTIN of Kinney,
ALLEN of Dallas,
BURNEY,
MCKINNEY,

Committee on part of House.

Senator Atlee moved to adopt the report.

Senator Smith moved to postpone consideration till tomorrow, and that the report be printed in the Journal.

So ordered. (See report above.)

Senator Colquitt sent up the following free conference committee report:

Committee Room,
Austin, Texas, April 2, 1895.

Hon. Geo. T. Jester, President of the Senate, and Hon. T. S. Smith, Speaker of the House of Representatives:

Your conference committee on

Senate bill No. 149, entitled "An act to provide for the collection of taxes heretofore levied and that may hereafter be levied making such taxes a lien on the lands taxed; establishing and continuing such lien; providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town, to satisfy the lien thereon,"

Beg leave to report that they have considered the said bill and the differences of the two houses in respect thereto, and they recommend:

1. That the Senate concur in the House amendment.

2. That the said bill be further amended as follows:

1. Insert in line 4, section 13, after the word "thereon," the words "or any one having an interest therein."

2. Insert in line 7, section 13, after the word "thereon," the words "since January 1, 1885."

3. Add to the section the words "of suit."

4. On page 7, line 1, after the word "State" insert the word "county."

5. Add to section 9 the following: "And the district clerk shall be entitled

to a fee of \$3 in each case, to be taxed as costs of suit."

COLQUITT,
TIPS,
DIBRELL,
McKINNEY,
STAFFORD,

Committee on part of Senate.

BRAMLETTE,
McKINNEY,
MORRISON,
McBRIDE,
TOWNSEN,

Committee on part of House.

Senator Colquitt moved the adoption of the report.

Senator Simpson moved to postpone consideration of same till tomorrow, and that it be printed in the Journal.

Lost by the following vote:

Yeas—12.

Atlee,	Harrison,
Bailey,	Lewis,
Beall,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Greer,	Smith,

Nays—14.

Agnew,	Goss,
Boren,	Lawhon,
Bowser,	McKinney,
Colquitt,	Presler,
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Woods.

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

McComb,	Stafford.
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The report was then adopted by the following vote:

Yeas—20.

Agnew,	Goss,
Atlee,	Greer,
Bailey,	Lawhon,
Beall,	Lewis,
Boren,	McKinney,
Bowser,	Presler,
Colquitt,	Sherrill,
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Woods.

Nays—5.

Darwin,	Shelburne,
Dean,	Simpson.

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

McComb,	Stafford.
Smith,	

28—Senate

Senator Colquitt by consent offered Three petitions from citizens of Camp county protesting against the passage of House bill No. 579 (restoring criminal jurisdiction to county court of said county.)

Read and referred to Judiciary Committee No. 1.

On motion of Senator Boren, Senator Dickson was excused for non-attendance on yesterday on account of sickness in his family.

On motion of Senator Atlee, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Greer,
Atlee,	Harrison,
Bailey,	Lawhon,
Beall,	Lewis,
Bowser,	McKinney,
Colquitt,	Presler,
Darwin,	Shelburne,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Steele,
Gage,	Tips,
Goss,	Woods.

Absent, excused.

Rogers,	Whitaker.
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Absent, not excused.

Boren,	Sherrill,
McComb,	Stafford.

Committee Room,

Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 464, being a bill to be entitled "An act to protect from garnishment or any other legal process issued out of any of the courts of this State all moneys arising under or by reason of any fire insurance policy because of any loss or damage occasioned by the burning or damage or loss of any house, buildings, or crops, on homesteads, when such property is exempt by law from forced sale under the homestead or exemption laws of this State, and to exempt such moneys so received from the payment of all debts as such property would be had it not been so damaged or destroyed,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

UNFINISHED BUSINESS.

The chair laid before the Senate House bill No. 412, a bill to be entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State."

Action being upon the motion (Beall's) to reconsider the vote by which the committee amendments were adopted.

Reconsidered.

At request of Senator Beall the committee amendments were considered separately.

First amendment read, to-wit:

Amend section 1 by striking out the words "one hundred" and inserting in lieu thereof the words "twenty-five."

Adopted by the following vote:

Yeas—12.

Atlee,	Lawhon,
Bowser,	Lewis,
Darwin,	McComb,
Dean,	Shelburne,
Dickson,	Simpson,
Greer,	Tips.

Nays—11.

Agnew,	McKinney,
Beall,	Presler,
Boren,	Smith,
Colquitt,	Steele,
Dibrell,	Woods.
Harrison,	

Present, excused.

Gage,

Absent, excused.

Rogers,

Whitaker.

Absent, not excused.

Bailey,
Goss,

Sherrill,
Stafford.

Senator Gage asked to be excused from voting, as he was personally and privately interested in the subject matter of the bill.

Granted.

Second amendment read, to-wit:

Amend section 2 by striking out all of said section after the word "provided" and inserting in lieu thereof the following: "that local agents shall pay county occupation taxes in each and every county in which they do business."

Adopted by the following vote:

Yeas—15.

Beall,	Presler,
Boren,	Shelburne,
Colquitt,	Simpson,
Dean,	Smith,

Dibrell,
Dickson,
Harrison,
McComb,

Steele,
Tips,
Woods.

Nays—8.

Agnew,
Atlee,
Bowser,
Darwin,

Greer,
Lawhon,
Lewis,
McKinney.

Present, excused.

Gage,

Absent, excused.

Rogers,
Sherrill,

Whitaker,

Absent, not excused.

Bailey,
Goss,

Stafford.

Third amendment read, to-wit:

Amend section 3 so that the same shall read as follows:

"Section 3. That there is hereby imposed upon and shall be collected from each and every person or firm acting as local agent or agents of industrial life insurance companies who may transact any business as such in this State, an annual occupation tax of two dollars. By 'industrial life insurance,' as used in this section, is meant insurance adapted to the wants and necessities of wage earners, in that the policies are small and the premium collected weekly, at the homes of the insured. The maximum policy or insurance written on any one person being one thousand dollars."

Adopted.

Fourth amendment read, to-wit:

Amend by adding section 4. "Whereas, there is now no occupation tax upon general and local agents for life, fire, marine, industrial and accident insurance companies in this State; therefore an emergency is created and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted."

Adopted.

Pending further action,

On motion of Senator Gage, Senator Sherrill was excused from the evening session or committee work.

On motion of Senator McKinney, Committee Clerk Groves was excused today on account of sickness.

By Senator Simpson:

Amend by striking out all after the word "firm" in line 7, down to and including the word "or" in line 8, section 1.

Adopted.

(President pro tem: Lewis in the chair).

By Senator Simpson:

Amend section 2, line 18, by inserting after the word "solicit" the following: "contract for."

Adopted.

By Senator Beall:

Strike out the word "exercise" in line 8 and insert in lieu thereof the word "exercises."

Adopted.

By Senator Smith:

Amend section 1, line 5, page 2, by striking out the words "twenty-five" and insert in lieu thereof the words "seventy-five."

By Senator Shelburne:

Amend the amendment by striking out "75" and inserting in lieu thereof "50."

Adopted.

The amendment as amended was then adopted.

Bill passed to third reading.

On motion of Senator Steele, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—17.

Agnew,	Lewis,
Bailey,	McKinney,
Beall,	Presler,
Boren,	Shelburne,
Colquitt,	Simpson,
Darwin,	Steele,
Dibrell,	Tips,
Dickson,	Woods.
Harrison,	

Nays—4.

Atlee,	Lawhon,
Dean,	Smith.
	Absent, excused.
Rogers,	Whitaker.
Sherrill,	

Absent, not excused.

Bowser,	Greer,
Gage,	McComb,
Goss,	Stafford.

Bill read third time and passed.

Senator Atlee entered a motion to reconsider the vote by which the bill finally passed.

Also to reconsider the vote by which the bill passed to third reading.

Also to reconsider the vote by which the amendment offered by Senator Smith and amended by Senator Shelburne was adopted.

Also to reconsider the vote by which the amendment of Senator Shelburne to that of Senator Smith was adopted.

Senator Smith entered a motion to reconsider the vote by which the first committee amendment (see above) was adopted.

Senator Bowser entered a motion to reconsider the vote by which the amend-

ment adding the emergency clause to Senate bill No. 247 was lost.

The Chair laid before the Senate

House bill No. 383, a bill to be entitled "An act providing for the assessment of national bank notes and United States treasury notes,"

Action being upon final passage.

Senator Tips moved to reconsider the vote by which the bill was passed to third reading.

Reconsidered.

Senator Bowser moved to reconsider the vote by which the amendment by Senator Beall, to wit: "Amend section 2 by striking out all after the word 'State' in line 4," was lost.

Reconsidered.

The amendment was then adopted.

Senator Colquitt moved to reconsider the vote by which the amendment was adopted.

Lost.

Bill then passed to third reading.

On motion of Senator Beall, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Agnew,	Lawhon,
Beall,	Lewis,
Boren,	McKinney,
Bowser,	Presler,
Colquitt,	Shelburne,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Dickson,	Tips,
Goss,	Woods.
Harrison,	

Nays—1.

Atlee.

Absent, excused.

Rogers,	Whitaker.
Sherrill,	

Absent, not excused.

Bailey,	McComb,
Gage,	Stafford.
Greer,	

Bill read third time and passed by the following vote:

Yeas—21.

Agnew,	Harrison,
Atlee,	Lewis,
Beall,	McKinney,
Boren,	Presler,
Bowser,	Shelburne,
Colquitt,	Simpson,
Darwin,	Smith,
Dean,	Steele,
Dibrell,	Tips,
Dickson,	Woods.
Gage,	

Nays—none.

Absent, excused.

Rogers, Whitaker.
Sherrill,

Absent, not excused.

Bailey, Lawhon,
Goss, McComb,
Greer, Stafford.

Senator Dibrell moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Tabled.

The Chair then laid before the Senate

Senate bill No. 238, a bill to be entitled "An act making appropriations for registered and estimated deficiencies in the appropriations for the State Government from March 1, 1893, to February 28, 1895, and for previous years."

On third reading.

Bill read third time, and passed by the following vote:

Yeas—19.

Agnew, Lawhon,
Atlee, Lewis,
Beall, Presler,
Boren, Shelburne,
Bowser, Simpson,
Dean, Smith,
Dibrell, Steele,
Dickson, Tips,
Gage, Woods.
Greer,

Nays—4.

Colquitt, Harrison,
Darwin, McKinney.

Absent, excused.

Rogers, Whitaker.
Sherrill,

Absent, not excused.

Bailey, McComb,
Goss, Stafford.

Senator Tips entered a motion to reconsider the vote by which the bill passed.

(Lieutenant Governor in the chair.)

The Chair laid before the Senate

House bill No. 271, a bill to be entitled "An act to provide for the levy and collection of an annual ad valorem State school tax of 20 cents on the \$100 valuation, for the maintenance of the public free schools."

Pending action, Senator Dean moved to suspend the rules and regular order of business to take up

Senate bill No. 140, a bill to be entitled "An act to repeal sections 23, 24, 25, 26, 27, 28, 29 and 30 of chapter 13 of the acts of the called session of the Twenty-second Legislature of the State of Texas, approved April 12, 1892, and found on page 13, known as 'An act to provide for the registration of all voters in all cities containing a population of ten thousand

inhabitants or more, and to protect the purity of the ballot in said cities, and to provide penalties for the violation of the same.'"

Suspended by the following vote:

Yeas—15.

Agnew, Lawhon,
Atlee, Lewis,
Beall, McKinney,
Colquitt, Shelburne,
Dean, Simpson,
Dibrell, Smith,
Dickson, Steele.
Gage,

Nays—7.

Bowser, Presler,
Darwin, Tips,
Greer, Woods.
Harrison,

Absent, excused.

Rogers, Whitaker.
Sherrill,

Absent, not excused.

Bailey, McComb,
Boren, Stafford.
Goss,

Bill read second time.

On motion of Senator Bowser, further consideration was postponed and the bill made special order for Tuesday next.

On motion of Senator Presler, regular order of business was suspended to take up

Senate bill No. 192, being a bill to be entitled "An act to reorganize the Thirty-third and Fifty-first judicial districts, and to name the counties composing the same, and to fix the time of holding court therein."

Bill read third time, and passed by the following vote:

Yeas—19.

Agnew, Lawhon,
Atlee, Lewis,
Beall, McKinney,
Colquitt, Presler,
Darwin, Simpson,
Dean, Smith,
Dickson, Steele,
Gage, Tips,
Greer, Woods.
Harrison,

Nays—2.

Boren, Shelburne.

Absent, excused.

Rogers, Whitaker.
Sherrill,

Absent, not excused.

Bailey, Goss,
Bowser, McComb,
Dibrell, Stafford.

Senator Lawhon offered the following:

Resolved, That the resolution of the Senate adopted at a previous session, devoting the afternoon session to the consideration of the general appropriation bill and other revenue bills, be rescinded.

The resolution, under the rules, went over one day.

On motion of Senator Colquitt, the Senate adjourned to 10 a. m. tomorrow by the following vote:

Yeas—14.

Agnew,	Greer,
Atlee,	Harrison,
Boren,	Lawhon,
Colquitt,	Lewis,
Dean,	McKinney,
Dibrell,	Smith,
Dickson,	Woods.

Nays—9.

Bailey,	Shelburne,
Baell,	Simpson,
Darwin,	Steele,
Gage,	Tips,
Presler,	

Absent, excused.

Rogers,	Whitaker,
Sherrill,	

Absent, not excused.

Bowser,	McComb,
Goss,	Stafford.

SEVENTY-FIRST DAY.

Senate Chamber,
Austin, Texas, April 4, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called, quorum present, the following Senators answering to their names:

Agnew,	Lawhon,
Atlee,	Lewis,
Beall,	McKinney,
Bowser,	Presler,
Colquitt,	Rogers,
Darwin,	Shelburne,
Dean,	Sherrill,
Dibrell,	Simpson,
Dickson,	Smith,
Gage,	Steele,
Goss,	Tips,
Greer,	Woods.
Harrison,	

Absent, excused.

Whitaker.

Absent, not excused.

Bailey,	McComb,
Boren,	Stafford,

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Woods, the same was suspended.

On motion of Senator Colquitt, Senator Stafford was excused for today, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Rogers:

Petition of citizens of Cherokee county, asking for amendments to hog law.

Read and referred to Committee on Stock and Stockraising.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 3, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal improvements, to whom was referred

Senate bill 228, being a bill to be entitled "An act to authorize and empower the Galveston, Harrisburg and San Antonio Railway Company to acquire and control and operate upon such terms as may be agreed by the parties, by lease or purchase, and by consolidating with and merging into its own the railroads and all the corporate rights, franchises, privileges and property of the Gulf, Western Texas and Pacific Railway Company, the New York, Texas and Mexican Railway Company and the Gonzales Branch Railroad Company, each respectively, and to authorize and empower each and all of the first named companies to lease or sell or consolidate with and merge into said Galveston, Harrisburg and San Antonio Railway Company, their respective railroads and all their respective rights, franchises, privileges and property,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following amendments:

1. Amend the caption by striking out the words "lease or" and the word "lease" wherever they occur in the bill.

2. Amend section 1 by inserting the word "is" after the word "it" in line 3, and amend section 1 in line 3 by striking out the word "is" after the word "hereby."

3. Amend section 1 by adding thereto the following: "The capital stock, funded debt and other liabilities of the purchasing or consolidated company shall not be increased beyond the aggregate amount of each class of liabilities now actually issued and outstanding against the several companies which be-